IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10028 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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HEMANTKUMAR GOVINDLAL MODI

Versus

DIVISIONAL CONTROLLER

Appearance:

1. Special Civil Application No. 10028 of 1998

MR AM RAVAL for Petitioner No. 1

MRS VASAVDATTA BHATT for Respondent No. 1

MR HD DAVE AGP for Respondent No. 2

CORAM : MR.JUSTICE H.K.RATHOD

Date of decision: 01/05/2002

ORAL JUDGEMENT

Heard learned advocate Mr. Raval for the petitioner, Ms. Bhatt for respondent Corporation and Mr. Dave, learned AGP for the respondent No. 2. In this petition, the petitioner has submitted that he was

working as badli conductor. Meanwhile, he was send for medical examination and ultimately, defect was found by the civil surgeon in his eye site and as a result thereof, he was declared as unfit and thereafter,the petitioner has requested for giving some lighter work. Learned advocate Mr. Raval for the petitioner has submitted that he is having some information that the petitioner has been accommodated by the corporation on some lighter duty. He has, however, submitted that he is not sure about such information.

Therefore, considering the statement made by Mr. Raval that the petitioner has been accommodated in the corporation on some lighter duty, this petition shall not survive. Same is, therefore, disposed of as not surviving with a liberty in favour of the petitioner to move for revival of this petition in case of any difficulty by filing mere note in the Registry of this Court. Rule is accordingly discharged with no order as to costs. Interim relief, if any, shall stand vacated.

1.5.2002. (H.K. Rathod,J.)

Vyas